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August 15, 2017

VIA ELECTRONIC FILING

Jocelyn D. Boyd, Esquire
Chief Clerk & Administrator
SC Public Service Commission
P. O. Box 11649
Columbia, SC 29211

RE: ND 2016-61-WS. Carolina Water Service, Inc. Notification of Violations of S.C.
Code Regulation 103-714C

Dear Ms. Boyd:

I have attached the following for filing in the above referenced matter:

DHEC Consent Order No. 17-065-W-Foxwood Subdivision WWTP

The terms of the referenced Order details the steps to be taken to correct the violation. By copy of this letter, I am serving the Office of Regulatory Staff.

If you have any questions or if I may provide you with any additional information, please do not hesitate to contact me.

Sincerely,

Elliott & Elliott, P.A.



Scott Elliott

SE/lbk

Enclosures

cc: Jeffrey M. Nelson, Esquire (w/enc.)
Charles L.A. Terreni (via email)
Richard J. Durham (via email)
Michael R. Carin (via email)



RECEIVED

AUG 11 2017

CAROLINA WATER SERVICE

August 10, 2017

FIRST CLASS and
CERTIFIED MAIL – 92148969009997901409210974

Carolina Water Service, Inc.
Bob Gilroy
150 Foster Brothers Drive
West Columbia

Re: **Consent Order 17-065-W**
Carolina Water Service, Inc.
NPDES Permit SC0027146
York County

Dear Mr. Gilroy:

Enclosed, please find fully executed Consent Order 17-065-W for the above referenced facility. The Order is considered executed on August 4, 2017.

If you have any questions, please contact Mr. Richard Stone at (803) 898-0075 or by e-mail at STONERE@dhec.sc.gov. You may also contact me at (803)-261-0542 or by e-mail at CANNONAH@dhec.sc.gov.

Sincerely,

Adam Cannon, Manager
Bureau of Water - WP Control Division
WP Enforcement Section

cc: Melanie Hindman, SCDHEC, WP Compliance Section
Nicole Veasey, SCDHEC, Anderson EQC
Murali Koppa, SCDHEC, Water Facilities Permitting

RECEIVED

AUG 11 2017

THE STATE OF SOUTH CAROLINA
BEFORE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

IN RE: CAROLINA WATER SERVICE, INC.
FOXWOOD SUBDIVISION WWTP
YORK COUNTY

CONSENT ORDER

17 - 065 - W

Carolina Water Service, Inc. (CWS) owns and is responsible for the proper operation and maintenance of the Foxwood Subdivision wastewater treatment plant (WWTP) located six tenths (0.6) of a mile east of Road 674 and one and four tenths (1.4) miles north of South Carolina Highway 160 in York County, South Carolina. The WWTP serves the residents within its designated service area.

CWS failed to comply with the effluent discharge limits of the National Pollutant Discharge Elimination System Permit (NPDES) Permit for Total Phosphorus (TP).

Following approved procedures and based upon discussions with agents for CWS on March 22, 2017, the parties agree to the issuance of this Order to include the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. CWS owns and is responsible for the proper operation and maintenance of the WWTP located in York County, South Carolina.
2. The South Carolina Department of Health and Environmental Control (Department) issued NPDES Permit SC0027146 (NPDES Permit), authorizing CWS to discharge to

receiving waters named Sugar Creek to the Catawba River, in accordance with effluent limitations, monitoring requirements, and other conditions.

- ~~3. CWS reported violations of the permitted effluent limit for TP on discharge monitoring reports (DMRs) submitted to the Department for the November, 2016, December, 2016, January, 2017, February, 2017, and March, 2017, monitoring periods.~~
4. On December 28, 2016, Department staff received the DMR for the November, 2016, monitoring period reporting violations of the effluent limit for TP. CWS included a comment on the DMR, stating that they were unsure as to the cause of the high TP level. The comment stated that the WWTP has a sand filter which utilizes ferric chloride for treatment. The filter was inspected and maintenance on the filter was conducted in October, 2016. The comment stated that CWS has increased the ferric chloride feed and is checking the TP levels prior to treatment to isolate the cause so it can be corrected.
5. On January 20, 2017, Department staff issued a Notice of Violation (NOV) for failure to comply with the effluent discharge limits of TP during the November, 2016, monitoring period. Since an explanation was provided on the DMR, a written response to the NOV was not required. The NOV was delivered on January 23, 2017.
6. On January 31, 2017, Department staff received the DMR for the December, 2016, monitoring period, including a comment that the sand filters at the WWTP were not functioning properly and were not removing TP from the effluent. CWS further stated in the comment that they have formed a contract with the manufacturer of the sand filters to have the sand filters cleaned. The work was stated to be scheduled for January 25, 2017 and January 26, 2017.

7. On March 22, 2017, an enforcement conference was held with the following individuals acting as agents for CWS: Mr. Bob Gilroy, Vice President of Operations UI – South Carolina CWS; ~~Mr. Steven Friel with CWS; Mr. Mike Davis with CWS, Mr. Michael~~ Cartin with CWS; Mr. Stewart Hill, Project Engineer with WK Dickson, Inc. for CWS; and Mr. Mac Mitchell, Operations Technical Support Manager with CWS. During the conference, Agents for CWS stated that the sand filter was operating as designed but due to an error in engineering concerning the output of the pumps feeding the filter, the filter was prevented from properly operating as it should have. The corrective action plan is expected to reduce the output of those pumps so as not to cause longer than necessary periods of “no flow” and also provide for the installation of a flow control gate at the pond. These corrections are expected to provide a more consistent and constant flow to the sand filter, which is expected to greatly improve its ability to operate in a fluid state. CWS confirmed the statements in the November, 2016, and December, 2016, DMRs. Agents for CWS stated that they formed a contract with the manufacturer to have the sand filters cleaned and the work was completed on January 26, 2017. Agents for CWS also stated that they violated the effluent parameters for TP during the January, 2017, and February, 2017, monitoring periods. The issuance of a consent order including a civil penalty was discussed during the conference.

CONCLUSIONS OF LAW

Based upon the above Findings of Fact the Department reaches the following Conclusions of Law:

1. CWS violated the Pollution Control Act, S.C. Code Ann. § 48-1-110 (d) (Supp. 2016) and Water Pollution Control Permits, 3 S.C. Code Ann Regs. 61-9.122.41(a) and (d)

(2016) in that it failed to comply with the effluent discharge limits of its NPDES Permit SC0027146 for Total Phosphorus.

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2. The Pollution Control Act, S.C. Code Ann. § 48-1-330 (2008), provides for a civil penalty not to exceed ten thousand dollars (\$10,000.00) per day of violation for any person violating the Act or any rule, regulation, permit, permit condition, final determination, or Order of the Department.

NOW, THEREFORE, IT IS ORDERED, CONSENTED TO AND AGREED, pursuant to the Pollution Control Act, S.C. Code Ann. § 48-1-50 (Supp. 2016), and S.C. Code Ann. § 48-1-100 (Supp. 2016), that CWS shall:

1. Within thirty (30) days of the execution date of this Order, submit to the Department a Corrective Action Plan (CAP) and a schedule of implementation, reporting the corrective actions that have been taken and corrective actions planned to adequately address the potential source(s) contributing to the Total Phosphorus violations. The schedule of implementation shall include specific dates or timeframes for the completion of each action and details as to how each action effectuates compliance with effluent discharge limits of NPDES Permit SC0027146. The schedule for implementation of specific corrective action steps proposed under the CAP shall be evaluated and upon Department approval, the schedule(s) all be incorporated into and become an enforceable part of this Order.
2. Within thirty (30) days of the execution date of this Order, pay to the Department a civil penalty in the amount of four thousand two hundred dollars (\$4,200.00).

PURSUANT TO THIS ORDER, communications regarding this Order and its requirements, including civil penalty payments, shall be addressed as follows:

Richard Stone, Enforcement Project Manager
SCDHEC - Bureau of Water
~~WP Enforcement Section~~
2600 Bull Street
Columbia, S.C. 29201

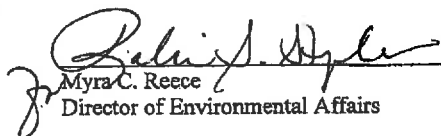
IT IS FURTHER ORDERED AND AGREED that failure to comply with any provision of this Order shall be grounds for further enforcement action pursuant to the Pollution Control Act, S.C. Code Ann. § 48-1-330 (2008), to include the assessment of additional civil penalties.

IT IS FURTHER ORDERED AND AGREED that this Consent Order governs only the civil liability to the Department for civil sanctions arising from the matters set forth herein and constitutes the entire agreement between the Department and Carolina Water Service, Inc., with respect to the resolution and settlement of these civil matters. The parties are not relying upon any representations, promises, understandings or agreements except as expressly set forth within this Order.

THE PARTIES UNDERSTAND that the "execution date" of the Order is the date the Order is signed by the Director of Environmental Affairs.

[Signature Page Follows]


FOR THE SOUTH CAROLINA DEPARTMENT
OF HEALTH AND ENVIRONMENTAL CONTROL


Myra C. Reece
Director of Environmental Affairs

Date: 8/4/2017


Mark E. Hollis, Interim Chief
Bureau of Water

Date: July 31, 2017


Glenn E. Trofaster, Director
Water Pollution Control Division
Bureau of Water

Date: July 27, 2017


Reviewed By:


Attorney
Office of General Counsel

Date: Aug 2, 2017

WE CONSENT:

CAROLINA WATER SERVICE, INC.


Mr. Bob Gilroy, VP of Operations UI - SC, CWS

Date: 7/12/2017

CERTIFICATE OF SERVICE

The undersigned employee of Elliott & Elliott, P.A. does hereby certify that she has served below listed parties with a copy of the pleading(s) indicated below by mailing a copy of same to them in the United States mail, by regular mail, with sufficient postage affixed thereto and return address clearly marked on the date indicated below:

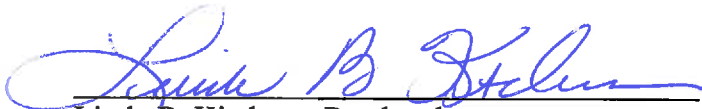
RE: Carolina Water Service, Inc. Notification of Violations of S.C.
Code Regulation 103-714C

DOCKET NO. ND 2016-61-WS

PARTIES SERVED: Jeffrey M. Nelson, Esquire
Office of Regulatory Staff
1401 Main Street, Suite 900
Columbia, SC 29211

PLEADING: DHEC Consent Order No. 17-065-W

August 15, 2017



Linda B. Kitchens, Paralegal
Elliott & Elliott, P.A.
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Columbia, SC 29201
(803)771-0555
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